UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
MEJIA, ANTHONY

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/18/2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-20* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *05/18/2008* is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   Acknowledgement is made that Claims 1, 8-9 and 15 have been amended, and

are now pending along with Claims 2-7, 10-14, and 16-20 in the instant application.

Drawings

2.   The replacement drawing presented on 19 May 2008 is accepted. All prior

objections to the drawings are hereby withdrawn.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-3, 4-6, and 9-14 are rejected under 35 U.S.C. 102(e) as being

anticipated by Lurie et al. (US 2003/0115089) (referred herein after as Lurie 1).

Regarding Claim 1, Lurie 1 teaches a method of connecting two parties in real

time (par [0037-0040]), the method comprising:

having one or more Agents having an associated selected plurality of Service

Providers (par [0042-0043], and [0058]);

enabling said Agents to integrate their selected plurality of Service Providers

into their own specialized websites for browsing by a User (par [0071] and

[0080]);

having a User initiate contact with a Service Provider via an Agent's

specialized website User (par [0071] and [0080]); and

connecting said User with said Service Provider if available (par [0088]).

Regarding Claim 2, Lurie 1 teaches the method in claim 1 as described above.

Lurie 1 further teaches wherein the method comprises the steps of:

generating a pop-up window with information about said Service Provider (par

[0081]);

checking to see if the service provider is available (par [0082])

Regarding Claim 3, Lurie 1 teaches the method in claim 2 as described above.

Lurie 1 further teaches wherein the method comprises the step of:

having said pop-up window prompting said User to enter their phone number

to make said connection (par [0051-0052], and [0084-0085]).

Regarding Claim 4, Lurie 1 teaches the method as described in claim 2 above.

Lurie 1 further teaches wherein the method comprises the step of:

generating a message for said User in said pop-up window when said

Service Provider is not available (par [0082]).

Regarding Claim 5, Lurie 1 teaches the method as described in claim 2 above.

Lurie 1 further teaches wherein the method further comprises the step of:

allowing said Service Provider to enter their hours of availability (par [0081-0082]).

Regarding Claim 6, Lurie 1 teaches the method as described in claim 1 above.

Lurie 1 further teaches wherein the method further comprises the step of:

displaying said Service Provider's hours of availability within a pop-up window (par [0081-0082]).

Regarding Claim 9, Lurie 1 teaches the method as described in claim 1 above.

Lurie 1 further teaches wherein the method further comprises the step of:

having a system manage the transaction records for said Agent's Service

Providers (par [0042-0044], and [0065]).

Regarding Claim 10, Lurie 1 teaches the method as described in claim 9 above.

Lurie further teaches wherein the method further comprises the step of:

including reporting said transaction records (par [0042-0044], and [0065]).

Regarding Claim 11, Lurie 1 teaches the method as described in claim 9 above.

Lurie 1 further teaches wherein the method comprises the step:

calculating the amount due to the Service Provider based on the Service Provider's

transactions (par [0006], [0009], and [0120]).

Regarding Claim 12, Lurie 1 teaches the method as described in claim 11 above.

Lurie 1 further teaches wherein the method further comprises the step of:

paying the Service Provider and the Agent the amount due based on the

transactions (par [0006], [0009], and [0120]).

Regarding Claim 13, Lurie 1 teaches the method as described in claim 1 above.

Lurie 1 further teaches wherein the method comprises the step of:

assigning an Agent ID number to the Agent account (par [0101-0106]).

Regarding Claim 14, Lurie 1 teaches the method as described in claim 1 above.

Lurie 1 further teaches wherein the method comprises the step of:

distributing the appropriate service HTML code to the Agent for each newly

registered Service Provider (par [0091-0092]).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie 1 and in further view of Lurie et al. (US 7,289, 623) (referred herein after as Lurie 2)

Regarding Claim 7, Lurie 1 teaches the method as described in claim 1 above. Lurie 1 does not explicitly teach wherein the method further comprises the step of: denying said connection if a User tries to initiate a connection during the hours said Service Provider is scheduled to be not available.

However, Lurie 2 in a similar field of endeavor discloses a system and method for an online speaker patch-through, including the step of:

denying said connection if a User tries to initiate a connection during the hours said Service Provider is scheduled to be not available (col.5, lines 43-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lurie 2 in Lurie 1 in order to prevent the service seeker from trying to connect to the service provider when the service provider is not available. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Lurie 1 and Lurie 2 to help the service seekers of the system know what service providers are readily available in real-time (col.1, lines 65-67, and col.2, lines 1-2).

7.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lurie 1 and in further view of Faber et al. (US 2004/0252820) (referred herein after as Faber)

Regarding Claim 8, Lurie 1 teaches the method as described in Claim 1 above.

Lurie 1 does not explicitly disclose wherein the method further comprises the step of:

displaying in said a pop-up window that said Service Provider is currently busy

on another call if said Service Provider is currently on another system call.

However, Faber in a similar field of endeavor discloses a system and method for

arranging a call including the step of:

displaying in said a pop-up window that said Service Provider is currently busy

on another call if said Service Provider is currently on another system call (par [0053])

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Faber in Lurie 1 in order to properly notify

the service seeker of the system that the Service Provider's is temporarily not available.

One of ordinary skill in the art at the time the invention was made would have been

motivated to combine the teachings of Lurie 1 and Faber to provide a more user friendly

interaction between the users of the system and service providers (Faber: par [0003]).

8.   Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lurie 1 and in further view of Mok et al. (US 7,418,429) (referred herein after as Mok)

Regarding Claim 15, Mok teaches a method of connecting two parties in real

time, the method comprising:

having an Agent account (col.7, lines 18-27, and col.11, lines 16-45);

assigning an Agent ID number to the said Agent account (col.11, lines 16-45);

having an expert Service Provider enter the said Agent ID when registering as a

new Advisor (col.11, lines 16-45);

linking all Service Providers under a single Agent ID into one account information

and transaction activity management interface (col.10, lines 6-13, col.13, lines 1-9);

distributing the appropriate service HTML code to the Agent for each newly

registered Service Provider thereby (col.10, lines 5-12);

enabling the Agent to readily create own Internet-based collection of specialized

Service Providers (col.10, lines 5-12). Mok does not explicitly teach the step of:

connecting Users with these Service Providers for expert advice in real time via a

telephone connection.

However, Lurie 1 in a similar field of endeavor such as an apparatus and method

for online advice customer relationship teaches the step of:

connecting Users with these Service Providers for expert advice in real time via a

telephone connection (par [0088] and [0090]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Lurie 1 in Mok in order to enable the

service seeker of the system to communicate telephonically with the service providers.

One of ordinary skill in the art at the time the invention was made would have been

motivated to combine the teachings of Mok and Lurie 1 to add more services that

service seekers can receive.

Regarding Claim 16, Lurie 1 further teaches the step of:

displaying within a pop-up window a full list of an Agent's Service Provider's and their individual availability statuses (par [0081-0082]).

Regarding Claim 17, Lurie 1 further teaches the steps comprising of:

monitoring how long telephonic connections are maintained between said Users and said Service Providers (par [0088], [0120], and [0126]); and

deducting from Users' consumer accounts the amounts based upon how long the telephonic connections are maintained (par [0088], [0120], and [0126])

Regarding Claim 18, the combined teachings of Mok and Lurie 1 teach the method as described in claim 15 above. The combined teachings of Mok and Lurie1 further teach wherein the method comprises the steps of:

Mok teaches the step of:

allowing for said Users to remain in effect on the website of the Agent while navigating (col.10, lines 3-20). Mok does not explicitly teach the step of using the system for connecting telephonically to Service Providers (par [0088] and [0090]), by way of a series of progressive popup windows (it is an inherent property that as users navigate through the website, a series of windows will popup).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lurie 1 in Mok in order to enable the service seeker of the system to communicate telephonically with the service providers.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings of Mok and Lurie 1 to add more services that service seekers can receive.

Regarding Claim 19, Lurie 1further teaches wherein the method:

a managed payout consisting of, deducting a pre-determined Agent service fee for each transaction and distributing the Agent to fee said Agents (par [0126]).

Regarding Claim 20, Lurie 1 further teaches the steps of:

having recognition, across the entire database of Service Provider's telephone numbers including potentially multiple different accounts, of whether a particular Service Provider's telephone line is busy thereby (par [0081-0082]);

enabling a Service Provider to register and be part of numerous different Agent groups, without concern for any potential telephone connection conflict (par [0081-0082]).

Response to Amendments

9.   Amendment to Claims 6, 8-9, 13, and 15 in response to examiner's objection has been considered. The amendment obviates previously raised objection, as such this objection hereby withdrawn.

Response to Arguments

10.   Applicant's arguments, see pages 7-11, filed 19 May 2008, with respect to the rejection(s) of claim(s) 1, 4-6, 9-14, and 17 under 102 (e) and Claims 2-3, 7-8, 15-16,

and 18-20 under 103(a) have been fully considered and are persuasive. Therefore, the

rejection has been withdrawn. However, upon further consideration, a new ground(s) of

rejection is made in view of Lurie 1 with references to: Lurie 2, Faber and Mok.

Conclusion

Examiner has cited particular paragraphs, columns, and line numbers in the

references applied to the claims above for the convenience of the applicant. Although

the specified citations are representative of the teachings of the art and are applied to

specific limitations within the individual claim, other passages and figures may apply as

well. It is respectfully requested from the applicant in preparing responses, to fully

consider the references in entirety as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or disclosed

by the Examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ANTHONY MEJIA whose telephone number is

(571)270-3630. The examiner can normally be reached on Mon-Thur 9:30AM-8:00PM

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mejia, Anthony
Patent Examiner

/Salad Abdullahi/

Primary Examiner, Art Unit 2157